

EXHIBIT A

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 COMMISSIONS IMPORT EXPORT
4 S.A.,

Petitioner,

5 v.

19 MC 195 (KPF)

6 REPUBLIC OF THE CONGO
7 and ECREE LLC,

8 Respondents.

9 -----x

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

24 Civ. 2420 (KPF)

13 REAL PROPERTY LOCATED AT
14 1 CENTRAL PARK WEST, UNIT 32G,
NEW YORK, NEW YORK 10023,

15 Defendant.

Premotion Conference

16 -----x

17 New York, N.Y.
18 June 12, 2024
19 10:10 a.m.

20 Before:

21 HON. KATHERINE POLK FAILLA,

22 District Judge

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APPEARANCES

GOULSTON & STORRS PC

Attorneys for Commissions Import Export S.A.

BY: CHARLES R. JACOB, III

ISABEL P. SUKHOLITSKY

ASHCROFT LAW FIRM, LLC

Attorneys for Respondent Republic of the Congo

BY: MICHAEL J. SULLIVAN

NIXON PEABODY LLP

Attorneys for Respondent Ecree LLC in 19 MC 195

BY: ERIC M. FERRANTE

DAMIAN WILLIAMS,

United States Attorney for the

Southern District of New York

BENJAMIN A. GIANFORTI

Assistant United States Attorney

PRYOR CASHMAN LLP

Attorneys for Ecree LLC in 24 Civ. 2420

BY: JEFFREY E. ALBERTS

AARON J. B. WILTSE

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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your name for
3 the record, beginning with plaintiff.

4 MR. GIANFORTI: Good morning, your Honor.

5 Ben Gianforti, for the government.

6 THE COURT: Okay. Thank you very much.

7 MR. JACOB: Good morning, your Honor.

8 Charles Jacob, for petitioner, Commissions Import
9 Export.

10 MS. SUKHOLITSKY: Good morning, your Honor.

11 Isabel Sukholitsky, also for petitioner.

12 THE COURT: Thank you.

13 Let me ask this, Mr. Jacob and Ms. Sukholitsky: For
14 this morning, is it your intention to let Mr. Gianforti sort of
15 take the laboring oar or something else?

16 MR. JACOB: I think it makes sense for the government
17 to go first, your Honor.

18 THE COURT: And you'll bat cleanup, as it were.

19 MR. JACOB: Yes.

20 THE COURT: Okay. That's fine.

21 I don't want to offend you by directing questions in
22 the first instance to the government, but that is fine.

23 MR. JACOB: No possible offense would be taken, your
24 Honor.

25 THE COURT: Not yet at least.

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1 All right. Thank you so much.

2 And for my friends at the back, thank you very much.

3 Go ahead. You can introduce yourselves, please.

4 MR. ALBERTS: In the civil forfeiture matter, Jeffrey
5 Alberts of Pryor Cashman LLC, appearing for Ecree. And with me
6 here at counsel table is Aaron Wiltse, an associate at Pryor
7 Cashman. Good morning, your Honor.

8 THE COURT: Good morning and thank you.

9 Mr. Alberts, are you taking the lead this morning?

10 MR. ALBERTS: With respect to the forfeiture matter, I
11 will be.

12 THE COURT: Thank you. All right. I appreciate
13 knowing that.

14 All right. Mr. Ferrante? Mr. Sullivan?

15 MR. FERRANTE: Good morning, your Honor.

16 Eric Ferrante from Nixon Peabody LLP, on behalf of
17 Ecree LLC in the other matter.

18 THE COURT: Okay. Thank you.

19 MR. SULLIVAN: Good morning, your Honor.

20 Michael Sullivan, The Ashcroft Firm, on behalf of the
21 Republic of Congo.

22 THE COURT: Thank you very much as well.

23 All right. I suspect I'm going to get sort of the
24 cast of characters mixed up, and I certainly don't mean to. We
25 have a couple of things to address this morning.

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1 There is – there was – an application from petitioners
2 to stay the petition. It is opposed by the respondents to the
3 petition; and for the moment at least I've stayed it. But I'll
4 listen to people while everyone is here.

5 There is a forfeiture complaint filed by the
6 government. There's been discussion about a motion to dismiss.
7 And there's also some discussion about possibly amending and
8 whether that would or would not obviate the motion to dismiss.
9 My sense – and I would love to be more optimistic – is that
10 amendment will not.

11 If I could just offer the following thoughts to the
12 parties in play on the motion to dismiss:

13 It would be my preference to do the amendment before
14 the motion practice rather than have the moving party file a
15 motion to dismiss, then have the amendment as an opposition,
16 and then possibly file a second motion to dismiss. I'll listen
17 to my friends at the back table to let me know whether there is
18 a world in which there would be no motion to dismiss, but I'm
19 just not sensing it.

20 So, Mr. Gianforti, let me start with you, please, sir.
21 And let's focus first on the motion to dismiss, and then I'll
22 hear from folks on the motion to stay.

23 Sir, as I understood it from one of the most recent
24 letters, perhaps it was the joint letter, there was a
25 high-level overview, I believe it was described as, provided to

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1 Ecree regarding the innocent owner defense. And to the extent
2 I'm allowed to know -- because there are some things shouldn't
3 know. To the extent I'm allowed to know what the state of play
4 is, may I know.

5 MR. GIANFORTI: So, your Honor, I think -- well, let
6 me start with the proposed amendment. I think counsel may
7 disagree with me, but I think that we can pretty easily amend
8 this complaint to close the gap that they identified in the
9 flow of funds; so that's something that the government is
10 interested in doing.

11 THE COURT: Do you understand what I'm saying, sir, as
12 to why I would prefer having an amendment prior to motion
13 practice?

14 MR. GIANFORTI: Absolutely. I think it obviates
15 unnecessary motion practice potentially.

16 THE COURT: Or at least streamlines it.

17 MR. GIANFORTI: Exactly.

18 THE COURT: Okay.

19 MR. GIANFORTI: I think the government's only concern
20 with respect to that, your Honor, is that it not be prejudiced
21 with respect to the typical finding that it would be afforded
22 under Rule 15. So ordinarily the responding party would file
23 an answer or a Rule 12 motion. And then under Rule 15, we
24 would get 21 days as of right to file an amended complaint. So
25 if we could craft a timeline that sort of mimics that for the

O6CVCOMC

1 government to file an amended complaint.

2 THE COURT: I'm sure I could be reasonable, yes.

3 MR. GIANFORTI: That's our only concern. I think it's
4 not a difficult fix for us to make to sort of make the
5 complaint make a little bit more sense.

6 THE COURT: Fair enough.

7 And I don't know if the moving parties here would have
8 identified other flaws in your complaint other than the two
9 that were mentioned in the letter that I saw. But I recognize
10 that there could be a world in which a more robust briefing
11 might show additional areas in which amendment could be
12 undertaken. For me, however, the two things that were stated
13 either could or could not be the subject of amendments. So
14 that was the issue that I had. But okay, I understand.

15 Was there, in fact -- there was this June 5th meeting
16 or conference or some other way of discussing this?

17 MR. GIANFORTI: With respect to the innocent owner
18 piece or the --

19 THE COURT: Yes, sir.

20 MR. GIANFORTI: So I sent counsel an email with some
21 high-level legal research showing why we thought that there was
22 no way that they could assert an innocent owner defense under
23 prevailing law in this circuit. We argued at a high level that
24 they could neither prove that they were -- that Ecree was a
25 purchaser for value nor that it was an innocent purchaser for

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1 value. There's been no further discussions between the
2 government and counsel with respect to that defense. As far as
3 I know, they continue to intend to assert it when the time
4 comes. And that's sort of the state of play with respect to
5 that particular piece of the case.

6 THE COURT: Okay.

7 If I may ask a question just for my own knowledge.

8 There is a difference in time between the first of
9 these matters and the second of these matters. And if I can
10 put a finer point on it, I've had the miscellaneous matter
11 since 2019. I have the pleasure of your complaint only as of
12 2024. Any particular reason why it took this long to file this
13 complaint that I am allowed to know about? And the answer may
14 be I'm not. You're all really busy.

15 MR. GIANFORTI: We're all really busy, that's one
16 answer. But the global witness article that broke this whole
17 thing open was published in April of 2019.

18 THE COURT: Because it's the basis of the
19 miscellaneous action that I have as well.

20 MR. GIANFORTI: Exactly.

21 THE COURT: At least I thought it was.

22 MR. GIANFORTI: It essentially mirrors the allegations
23 that are contained in that article.

24 The FBI opened an investigation soon thereafter, and
25 my office got involved. I think it was in 2019 as well. But

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1 frankly, your Honor, this case got handed down a couple of
2 times; I'm the third assistant on the case and it took as long
3 as it took.

4 THE COURT: All right. And that's where we are.

5 MR. GIANFORTI: That's where we are.

6 THE COURT: Okay. Thank you.

7 Mr. Alberts, should I be directing my questions to you
8 now, sir?

9 MR. ALBERTS: Yes, your Honor.

10 THE COURT: Okay.

11 At this time, sir, is it still your client's intention
12 to move to dismiss?

13 MR. ALBERTS: Yes.

14 THE COURT: On both bases or something else?

15 MR. ALBERTS: Yes.

16 THE COURT: Okay. Do you or at least will you not
17 vehemently oppose my suggestion that the government amends
18 first and then you file your motion papers?

19 MR. ALBERTS: I think it's a great idea.

20 THE COURT: Okay.

21 Are there other arguments that might surprise me or
22 are they basically the ones that are outlined in your premotion
23 letter?

24 MR. ALBERTS: Right now we're focused on these
25 arguments, your Honor.

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1 THE COURT: Okay.

2 And I'm imagining that your communications with the
3 government regarding the innocent owner defense have not
4 changed your position with respect to it.

5 MR. ALBERTS: We're looking into the factual issues
6 that they raised.

7 THE COURT: Okay. That's very open-minded of you.
8 Okay. No, that's fine.

9 I'm just trying to -- let me ask this question: I'm
10 happy to set a schedule now for amending and moving to dismiss.
11 I'm also happy to let the parties meet offline outside of this
12 courtroom or whenever and get back to me in a week or so with a
13 proposed schedule. What's your preference?

14 MR. ALBERTS: I'm happy to do it either way.

15 THE COURT: Everybody is very agreeable.

16 Okay. Mr. Gianforti?

17 MR. GIANFORTI: Same, your Honor. I think we'll be
18 flexible.

19 THE COURT: Okay.

20 Is there anyone else here who wants to be heard on
21 this motion to dismiss practice? My sense is no one else is
22 involved in that.

23 Okay. Then let's do this: Mr. Gianforti, how much
24 time do you want, please, to amend?

25 MR. GIANFORTI: I think I sort of had it in my mind

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1 that it would probably take the defense no longer than a week
2 to file this motion to dismiss; it's pretty discrete given the
3 issues they've identified. And so you sort of advance 21 days
4 beyond that, I was thinking sort of in the neighborhood of four
5 weeks, which I think will be more than enough time.

6 THE COURT: One moment, please, sir.

7 July 12th please?

8 MR. GIANFORTI: That's my birthday. I love it.

9 THE COURT: It's the way you didn't know you wanted to
10 spend your birthday. That's fine. Thank you.

11 Okay. With the amendment in on the 12th, Mr. Alberts,
12 when would you like to file your opening brief? And I'm not
13 trying to wreck your or your colleagues' summer vacation plans.

14 MR. ALBERTS: August 2nd, your Honor.

15 THE COURT: I'm sorry?

16 MR. ALBERTS: August 2nd.

17 THE COURT: August 2nd.

18 All right. Mr. Gianforti?

19 MR. GIANFORTI: I think two weeks would be more than
20 enough, so maybe the 16th of August.

21 THE COURT: Okay.

22 And may I have the reply, if any, on the 23rd,
23 Mr. Alberts?

24 MR. ALBERTS: Your Honor, as it happens, I am out that
25 entire week, the 19th through the 23rd; so I would ask for the

O6CVCOMC

1 30th.

2 THE COURT: The 30th for the reply.

3 All right. Thank you.

4 And Mr. Alberts, can I ask you please to, in your --
5 with whatever schedule you want, sir, to obtain a transcript of
6 this conference. Because when I have the briefing, I'll also
7 have whatever substantive discussions we had today. Thank you.

8 Okay. Mr. Jacob, perhaps I could turn to you now,
9 sir. There is the motion to stay which either is or is not
10 related to the government's forfeiture practice. I think what
11 I understood was that your client was considering going by way
12 of a remission petition instead.

13 MR. JACOB: Yes, your Honor. Let me address that.

14 THE COURT: Please.

15 MR. JACOB: As you've pointed out, these cases were
16 brought almost five years apart. We have diligently pursued
17 our turnover proceeding, which is in aid of two long-standing
18 judgments of this Court, which, with interest, total something
19 like a billion dollars.

20 The government has stepped in and, in one sense, we
21 welcome that their investigation has vindicated our factual
22 allegations. That's how we view it. But in discussions with
23 the government, they made clear that their judgment of
24 forfeiture, if and when they obtain it, will take priority over
25 our judgment lien under state law. And even though we filed

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1 first by almost five years, I have been educated as to 18
2 U.S.C. 981(f). We sometimes learn things late in life, your
3 Honor, and this is one thing that I learned. And if the
4 government obtains a judgment of forfeiture, it relates back to
5 the time of the commission of the underlying crime.

6 And without getting too deeply into the weeds, since
7 the condo in question was purchased with proceeds, when
8 something is purchased with proceeds, it is literally
9 impossible to get in front of the government in terms of
10 priority because the crime by definition has already been
11 committed. So here we are.

12 There are pending motions to dismiss before your Honor
13 in the turnover proceeding. If you deny them, we will have to
14 spend resources pursuing a case that is essentially moot,
15 because our judgment will have no effect if the government also
16 wins. In other words, to say it a little differently, if both
17 we and the government win, it's a completely Pyrrhic victory
18 for our client.

19 THE COURT: You win, but you're still second.

20 MR. JACOB: Yeah. We're still relegated to a petition
21 for remission because the government literally takes title
22 under 18 U.S.C. 981(f). That's what it says. The government
23 takes title as of that time.

24 So if you deny the respondent's motion in our turnover
25 proceeding, we are faced with the specter of wasting resources:

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1 your resources, your clerk's resources, our resources, our
2 money, for no purpose. If you grant their motion, our client
3 would be compelled to appeal, and we'll be wasting resources on
4 the appeal, and we'll be wasting resources of the Court of
5 Appeals, and those judges and those clerks. So there's only
6 one thing that makes sense here, your Honor, which is to hold
7 our case in abeyance pending further developments in the
8 government's case, just as you said in the order you entered
9 recently.

10 THE COURT: Yes.

11 And let me trace that out to make sure I still
12 understand it correctly.

13 If the government is successful, you file a petition
14 for remission, and what happens with the '19 case? Are you
15 dismissing it?

16 MR. JACOB: Well, in that case, I think that probably
17 would be what we would do, sure. Then the mootness would be --
18 would have become concrete, if you will, for want of a better
19 term.

20 THE COURT: You've seen obviously the May 31st letter
21 from the Ashcroft firm responding to your request to stay, and
22 the argument there that they may as well then go ahead and
23 dismiss it now. But you're keeping it open on the possibility
24 that the motion to dismiss or a later motion in the 2024 case
25 would prove successful, and you don't want to lose your place

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1 at that point.

2 MR. JACOB: Exactly, your Honor. I can't say it
3 better than that.

4 THE COURT: Oh, no, I'm sure you could, but thank you.
5 All right. I do appreciate – and I'm sure my clerk
6 appreciates you calling him out for saving of resources. So
7 thank you for that.

8 But let me hear you on anything else before I hear
9 from the folks at the back table.

10 MR. JACOB: Well, just one other point.

11 The letter I sent was a suggestion of mootness. I
12 felt it was my duty as an officer of the Court to bring to your
13 Honor's attention the somewhat unusual posture that we found
14 ourselves in. So that's why we sent the letter when and saying
15 what we did. Nonetheless, now we've had the chance to be
16 heard. Thank you for taking the time to hear our point of
17 view. Because, to be clear, I have a very disappointed and
18 frustrated client.

19 THE COURT: Oh, either way.

20 MR. JACOB: One way of looking at this is that the
21 government has just stepped right in front of us at the
22 eleventh hour. But another way to look at it is that's their
23 right. They are the government; they have the rights they
24 have. We've looked at the statute, we've looked at the cases.
25 And we really do not want to waste anybody's time or resources;

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1 we want to hold this in place pending further developments in
2 the government's case.

3 THE COURT: If I could just ask you to comment on
4 something in Mr. Sullivan's letter as well, sir. It's on, I
5 believe, the second page. It's the paragraph that begins with
6 the word "Fourth."

7 The suggestion here is that I'm being distracted, in
8 particular, from the fact that the arguments in the forfeiture
9 matter are different from the arguments in your turnover
10 action. Do you agree? Does it matter?

11 MR. JACOB: I don't think it matters because the
12 government and a private litigant are entitled to and should be
13 expected to have different theories, your Honor.

14 We and the government rely on essentially the same
15 facts. However, there are some differences in legal theories,
16 but that's allowed under the law. The government has a
17 statutory framework that it operates under; and a private
18 litigant has a framework of case law and sometimes state law –
19 we certainly rely on state law – that we operate under. So I
20 don't think you're being distracted other than by
21 Mr. Sullivan's letter, frankly.

22 THE COURT: I won't say that, but okay. I understand
23 the point. Thank you. Okay. Thanks.

24 Perhaps, Mr. Sullivan, I could hear from you now.

25 Thank you, sir.

O6CVCOMC

1 MR. SULLIVAN: Thank you, your Honor.

2 Let me just begin by suggesting to the Court that the
3 government's investigation has not vindicated the petitioner's
4 claim. The government has conducted, as I understand, no
5 investigation. What they've done is they have done just what
6 the petitioner has done; they relied on a global witness news
7 story and then claimed those to be facts.

8 THE COURT: Let me just pause there.

9 I want to hope -- I'm going to hope -- just put this
10 into the record -- that the government has done more than
11 blindly accept a third-party article without examining the
12 facts and doing some diligence of their own. But I won't force
13 Mr. Gianforti to answer that right now.

14 Go ahead, Mr. Sullivan. Keep going.

15 MR. SULLIVAN: I would hope the same to be true as
16 well, your Honor.

17 THE COURT: He knows I'll be sad. And he'll have to
18 see me in other cases; so, I mean, it's in his interest to not
19 make me sad. But go ahead.

20 MR. SULLIVAN: Well, your Honor, as you said at the
21 outset, this claim has been pending before this Court since
22 2019, over five years. And when the Republic of Congo first
23 entered an appearance, it asked the Court for some relief as it
24 related to a default that had been issued against the republic.
25 The petitioner objected to that and claimed that the petitioner

O6CVCOMC

1 would be prejudiced by any further delays in the matter.

2 Here we are five years later, your Honor --

3 THE COURT: But I gave you that. I allowed you in.

4 MR. SULLIVAN: You did.

5 THE COURT: Now you're saying I should have -- you're
6 not saying I should have listened to him back then.

7 MR. SULLIVAN: Absolutely not.

8 THE COURT: I should just listen to him now, the
9 argument he's not making?

10 MR. SULLIVAN: No. I'm suggesting, your Honor, you
11 should not have listened to him then and you should not listen
12 to him now.

13 THE COURT: Exactly.

14 And perhaps you recognize the inconsistency in the
15 argument you're making to me, but keep going.

16 MR. SULLIVAN: I think it's consistent, your Honor,
17 respectfully.

18 So here we are five years later, your Honor. And
19 there's been a tremendous amount of briefing that's taken
20 place. I suspect that the Court was on the cusp of making a
21 decision concerning the motion to dismiss. It was the third
22 attempt by the petitioner to try to cure a defective petition
23 twice filed before.

24 We believe, as we've indicated in our pleadings, that
25 there is not subject matter jurisdiction by the Court. There's

O6CVCOMC

1 nonconclusory allegations by the petitioner and the petition
2 should be dismissed. The Republic of Congo will be prejudiced
3 by any further delays in terms of keeping this matter stayed.
4 And a decision by the Court as it relates to this particular
5 petition will have no impact in terms of the government's claim
6 in theory as it relates to the asset forfeiture.

7 If the government is correct, as Mr. Jacob has said,
8 then the government stands first. If the government is
9 incorrect, and Ecree is an innocent owner, then there again,
10 the petitioner's claim will not be successful in this case.

11 So either way, your Honor, I think the Court should
12 rule on the five-year-old petition and make a decision
13 concerning the motion to dismiss. If it's dismissed, if
14 Mr. Jacob feels that it's worthy of an appeal, then he should
15 take it. And if it's not, your Honor, then the Republic of
16 Congo obviously will assess its position at that point in time.
17 But to ask for any further delays I think is unnecessary since
18 all the briefing has been done for the Court.

19 THE COURT: Thank you, sir.

20 Anything else you'd like me to know?

21 MR. SULLIVAN: No. Thank you, your Honor.

22 THE COURT: Okay. Thank you.

23 Mr. Ferrante, do you want to be heard at all?

24 MR. FERRANTE: Yes, please, your Honor.

25 I didn't have an opportunity, unlike Mr. Sullivan, to

O6CVCOMC

1 submit a letter in response to the petitioner's request for a
2 stay. And the Court directed it did not seek any further
3 communication so I did not submit anything. But we are
4 prepared to join in that letter, we support all the arguments,
5 and I think they apply equally to Ecree.

6 The one point in addition that I would make, because
7 it seems to me that a request for a stay at this point in the
8 proceedings is premature. There's pending motions to dismiss
9 that can be decided. How the Court rules on those motions may
10 impact the reasonableness or the necessity of a stay. But
11 until those are decided --

12 THE COURT: May I understand that point, sir?

13 MR. FERRANTE: Sure.

14 If the Court were to grant the motions, the petition
15 goes away. As Mr. Sullivan stated, it has no impact on the
16 civil forfeiture action; it has no impact on the petitioner in
17 our case on its right to participate in and make a claim in the
18 government's civil forfeiture action. And there would be
19 nothing left to stay; there would be no case.

20 If they feel it's necessary to pursue an appeal, they
21 can do that. I believe there are mechanisms in place to stay
22 or at least prolong the period of time by which they would have
23 to take that appeal.

24 But if the Court were to grant the motion, perhaps at
25 that point there's a discussion to be had as to whether a

O6CVCOMC

1 stay -- excuse me, if the Court were to deny the motions,
2 perhaps there's a discussion to be had at that point whether a
3 stay is appropriate. But at this point in time, pending
4 motions to dismiss that can entirely resolve the case, and
5 there's no reason to avoid, in our view, ruling on those
6 motions just so that this case can hang out in the ether while
7 the civil forfeiture action moves forward.

8 THE COURT: All right. Thank you very much, sir.

9 Mr. Gianforti, are the parties at the back table
10 correct that resolution of the pending motions to dismiss in
11 the 2019 case would have no impact on your case?

12 MR. GIANFORTI: I don't see how --

13 THE COURT: I'll ask the question more pointedly, sir.

14 MR. GIANFORTI: Sure.

15 THE COURT: Do you have a horse in the race?

16 MR. GIANFORTI: I don't think so.

17 THE COURT: That's fine. I'll give you the chance to
18 talk if you do; otherwise, tell me no.

19 MR. GIANFORTI: No, no. I think -- unless we're
20 talking about discovery and summary judgment, perhaps that has
21 a different -- that's a horse of a different color, if you
22 will. But I think at the moment there's no reason from the
23 government's perspective why you should or should not resolve
24 the pending motions to dismiss in the petitioner's action.

25 THE COURT: Okay. Thank you.

O6CVCOMC

1 Anyone else wish to be heard?

2 MR. JACOB: I just want to note that while I don't
3 disagree with Mr. Gianforti in terms of theory, I do disagree
4 slightly in terms of practice. Because if you deny the motions
5 to dismiss, as I think you should for the reasons we've
6 briefed, we'll be on the path of discovery parallel with the
7 government, which will be complicated for all the parties – or
8 at least more complicated than it needs to be – but also
9 involves the basic prejudice that I talked about at the outset,
10 which is, we'll be on the course of expending substantial more
11 client resources in a case where if Mr. Gianforti and we both
12 win, as we expect, we lose. It's not fair and it's not
13 practical.

14 THE COURT: Okay. Thank you.

15 I'll just ask for your patience. Thank you.

16 (Pause)

17 THE COURT: Thank you very much.

18 I am going to keep the stay in place, and let me
19 explain why.

20 I do appreciate Mr. Sullivan's arguments about delay.
21 And as I may have, in my characteristically diplomatic way,
22 hinted to the government, it's unfortunate that the
23 government's forfeiture complaint is being brought five years
24 after the miscellaneous action was commenced and after several
25 rounds of pretty hotly contested motion practice and pending

O6CVCOMC

1 motions.

2 However, it does cause me concern that there may be a
3 serious waste of resources. I want to note that this concern
4 that I might have for petitioner is tempered by the fact that
5 they brought the action in the first instance. But I don't
6 think it's appropriate for them to litigate the 2019 action
7 when there's a 2024 action that can completely obviate the need
8 for them to pursue the 2019 action, that could cause them to
9 dismiss the 2019 action. And I don't want them to be forced to
10 litigate -- potentially litigate an appeal.

11 If they win the motions to dismiss, we'll be
12 proceeding discovery, which Mr. Gianforti hinted is a horse of
13 a different color. If they lose the motions to dismiss,
14 they'll be proceeding in an appellate posture all on the shadow
15 of the government's 2024 action going forward.

16 So recognizing that everyone wants to get this matter
17 resolved, I am nonetheless keeping the stay open for the
18 foreseeable future given the pendency of the government's
19 action, and we'll talk again after the motion to dismiss is
20 resolved.

21 From my perspective, that's everything I wanted to
22 address today.

23 Mr. Jacob, anything else you wanted to bring to my
24 attention?

25 MR. JACOB: No, your Honor. Thank you.

O6CVCOMC

1 THE COURT: Thank you.

2 Mr. Gianforti?

3 MR. GIANFORTI: Just in the interest of not making you
4 sad, your Honor.

5 THE COURT: Thank you.

6 MR. GIANFORTI: Let me assure you that the
7 government's investigation, part of the reason why it took so
8 many years is because of all of the tire-kicking that we were
9 doing through warrants, mutual legal assistance treaty
10 requests, grand jury subpoenas, etc., etc., etc.

11 I think a fair reading of the complaint, which is much
12 more detailed than the global witness article, indicates as
13 much. So I just wanted to put that on the record so you know
14 the standards have not slipped since your day at the office,
15 and we'll continue to pursue this case. Thank you.

16 THE COURT: I appreciate the representations made.
17 Thank you.

18 Mr. Alberts, anything to add, sir?

19 MR. ALBERTS: No, your Honor.

20 THE COURT: I thank you.

21 Mr. Sullivan, Mr. Ferrante, anything to add?

22 MR. SULLIVAN: Nothing, your Honor. Thank you.

23 MR. FERRANTE: Nothing further from me, your Honor.

24 THE COURT: Thank you very much.

25 All right. Thank you all for coming in this morning.

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We are adjourned. Thank you.

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